



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

MAIL

Paper No. 4

Kevin J. Zilka  
Silicon Valley Group  
P.O. Box 721120  
San Jose, California 95172-1120

FEB 20 2004  
DIRECTOR OFFICE  
TECHNOLOGY CENTER 2100

In re Application of: Herbert Joiner et al. )  
Application No. 10/029,591 )  
Filed: December 21, 2001 ) DECISION ON PETITION TO  
For: SYSTEM, METHOD AND ) MAKE SPECIAL UNDER  
COMPUTER PROGRAM PRODUCT ) M.P.E.P. §708.02(II):  
FOR A NETWORK ANALYZER ) INFRINGEMENT  
BUSINESS MODEL )

This is a decision on the petition, filed January 12, 2004, requesting to make the above-identified application special under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(II): Infringement.

A grantable petition under 37 C.F.R. §1.102(d), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R. §1.117(h) and a statement under 37 C.F.R. §1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and (C) he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the prior art. Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims.

Applicants' submission meets all the criteria set out above, accordingly, the Petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for expedited examination.

Pinchus M. Laufer

Pinchus M. Laufer  
Special Programs Examiner  
Technology Center 2100  
Computer Architecture, Software, and Information Security  
(703) 306-4160